

Board of Registration of Real Estate Brokers and Salespersons
1000 Washington Street, Boston, MA 02118
Minutes of September 12, 2016

Members Present:

Kevin Sears, Chair, Industry Member
Stanley Zoll, Public Member
Peter Ruffini, Industry Member
Kimberly Allard-Moccia, Industry Member
Neil St. Clair, Public Member

Administrative Staff Present:

Ann-Margarette Barry, Executive Director
Charles Kilb, Board Counsel

Public Present:

Christine Derkrikor - American Real Estate Academy
Matt Vlachos - American Real Estate Academy
Attorney Ashley Stolba - Massachusetts Association of Realtors
Will Hency - Freedom Trail Realty School

Kevin Sears, Chair, opened the meeting at 10:30am.

Evacuation Procedures: Ann Barry reviewed the Evacuation Plan.

Vote on Minutes of June 13, 2016: A motion to approve the minutes was made by Peter Ruffini, seconded by Stanley Zoll and unanimously adopted by the Board.

Review Policy: Determination of Good Moral Character Compliance for Initial Broker or Salesperson Licensure by Examination, Reciprocity, Waiver of Educational Requirement or as an Attorney Broker – This was tabled for the November 2016 meeting for the Board Counsel to incorporate the comments by the Board Members.

Executive Session – Closed Session under MGL ch. 30A, Section 21 - Good Moral Character - A motion to enter into Executive Session – Closed Session under MGL ch. 30A, Section 21 - Good Moral Character (JB, SJ, RL and MT) was made by Peter Ruffini, seconded by Kimberly Allard-Moccia and unanimously adopted by the Board.

Investigative Conference – Closed Session under MGL ch. 112, section 65C - A motion to enter into Investigative Conference – Closed Session under MGL ch. 112, section 65C was made by Peter Ruffini, seconded by Stanley Zoll and unanimously adopted by the Board.

Investigative Conference – Prosecutor Mary Pixley – Closed Session under MGL ch. 112, section 65C: Nicholas Brown: RE-13-568, RE-14-194 and RE-14-202 – The Prosecutor requested that the matter be continued to the November 2016 Board meeting.

Investigative Conference – Prosecutor Gerard Dolan – Closed Session under MGL ch. 112, section 65C – Richard Schwartz: 20150803RE041-IT-ENF; Christopher Cyr RE-16-027 and RE-16-118; Germano DiMambro 2016-000113-IT-ENF; Danny Resendes RE-15-146 and Michael Chaves RE-15-147 – The Board provided the Prosecutor with guidance.

A motion to enter into Final Decision and Order – Quasi-Judicial: Closed Session under MGL ch. 30A, Section 18 was made by Peter Ruffini, seconded by Stanley Zoll and unanimously adopted by the Board.

Kimberly Allard-Moccia recused for the discussion of Elizabeth Tavares RE-15-020. She left the meeting for the discussion and also left the meeting for the day.

Final Decision and Order – Quasi-Judicial: Closed Session under MGL ch. 30A, Section 18

- a. **Elizabeth Tavares RE-15-020**: Final Decision and Order: A motion to approve the Tentative Decision and impose a Suspension of a minimum of one (1) year with terms for how to re-apply was made by Peter Ruffini, seconded by Stanley Zoll and unanimously adopted by the Board.
- b. **Michael Thomann RE-14-235**: Final Decision and Order: A motion to approve the Tentative Decision and impose a Suspension of ten (10) days with a fine was made by Peter Ruffini, seconded by Stanley Zoll and unanimously adopted by the Board.
- c. **David Scher RE-15-057 and 2016-000178 -IT-ENF**: Final Decision and Order: A motion to approve the Tentative Decision and impose a Revocation was made by Peter Ruffini, seconded by Stanley Zoll and unanimously adopted by the Board.

A motion to enter into Investigative Conference – Closed Session under MGL ch. 112, section 65C was made by Peter Ruffini, seconded by Stanley Zoll and unanimously adopted by the Board.

Investigative Conference – Closed Session under MGL ch. 112, section 65C: Office of Investigations Inspections: The Board provided staff with guidance.

Adjudicatory Matters (FYI only – no vote required):

- a. Barry Rabinovitz RE-15-143 and RE-15-463
- b. Tony Couth 2015-001406-IT-ENF
- c. Mitra Ghobadi RE-16-001

- d. Craig Higgins RE-16-129
- e. Rimma Linkova RE-14-269
- f. Diana Morselli RE-13-099
- g. Christian Patino 2016-000284-IT-ENF
- h. David Wilson RE-14-060

Office of Investigations Update: None

Executive Director, Ann Barry's Report to the Board:

- (a) **Agency Disclosure Form Working Group:** Peter Ruffini discussed the Group's meeting in August 2016 and that the Group is working to make the form clearer and more visually appealing to Licensees and consumers. The next meeting is September 30, 2016.

Board Counsel, Charles Kilb Report to the Board:

- (a) **Regulation Review for Executive Order 562:** The Board reviewed the public written comments for 254 CMR 4.00 and 7.00. A motion to approve amended proposed regulatory amendments to 254 CMR 4.00 was made by Peter Ruffini, seconded by Neil St. Clair and unanimously adopted by the Board. A motion to approve proposed regulations to 254 CMR 7.00 was made by Peter Ruffini, seconded by Neil St. Clair and unanimously adopted by the Board.

Next Meeting Date: November 14, 2016

List of Documents:

1. Agenda dated September 12, 2016
2. Minutes dated June 13, 2016
3. Public written comments for Regulation Review for Executive Order 562:
 - a. Ashley Stolba, Associate Counsel, Massachusetts Association of Realtors, dated June 24, 2016
 - b. Ike (no last name), Emove Real Estate School, dated June 27, 2016
 - c. Matt Vlachos, American Real Estate Academy, dated June 23, 2016
 - d. Will Henchy, Freedom Trail Realty School, dated June 22, 2016

Chair Kevin Sears made a motion to adjourn the meeting at 2:10pm, seconded by Stanley Zoll and unanimously adopted by the Board.



Kevin Sears, Chair, Real Estate Brokers and Salespersons Board